

COMMUNITY AFFAIRS

DIVISION OF HOUSING AND COMMUNITY RESOURCES

Lead Hazard Control Assistance Fund

Proposed Readoption: N.J.A.C. 5:48

Authorized by: Joseph V. Doria, Jr., Commissioner, Department of Community Affairs

Authority: N.J.S.A. 52:27D-437.6

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2009-

Submit written comments by _____, 2009 to:

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JOSEPH V. DORIA, JR., Commissioner

Summary

Pursuant to N.J.S.A. 52:14B-5.1, N.J.A.C. 5:48, the Lead Hazard Control Assistance Fund rules, are scheduled to expire on April 18, 2010. The Department has reviewed this chapter and finds that that it continues to be necessary and appropriate for

the purpose for which it was adopted and is therefore proposing that it be readopted without change.

The rules proposed for readoption implement the provisions of the “Lead Hazard Control Assistance Act,” P.L. 2003, c.311 (N.J.S.A. 52:27D-437.1 *et seq.*), under which the Department of Community Affairs is authorized to provide loans and grants for lead hazard control work and relocation of families with young children who are at risk of exposure to lead hazards.

The chapter includes four subchapters. These are: General Provisions, Lead Hazard Control Assistance Fund, Lead Safe Housing Registry, and Emergency Lead Poisoning Relocation Fund. All of these programs would be administered by the Indoor Environmental Hazard Unit of the Division of Housing and Community Resources.

A 60-day comment period has been provided for this proposal and, therefore, pursuant to N.J.A.C. 1:30-3.3(a)5, the proposal is not subject to the provisions of N.J.A.C.1:30-3.1 and 3.2 governing rulemaking calendars.

Social Impact

This rules proposed for readoption implement a statute intended to protect the health and safety of young children by ensuring that they have a lead-safe environment.

Economic Impact

Under the programs established by the rules proposed for readoption, the Department administered financial assistance in the amount of \$.9,117,605 since the inception of the program, including \$ 3,680,135 in the fiscal year ending June 30, 2008. Grant financing is available only to owners with an annual income not exceeding 80% of county median income, while the nature of loan financing varies based on income.

Federal Standards Statement

This proposed rule implement a State statute that incorporates the definitions under Federal law of “lead-safe housing” and “lead-hazard control work.” However, no Federal standards analysis is required because these rules are not being proposed for readoption under the authority of, or in order to implement, comply with, or participate in, any program established under, Federal law or under a State statute that incorporates or refers to Federal law, standards or requirements, other than has been indicated.

Jobs Impact

Insofar as the rules proposed for readoption implement a funding program for lead hazard control work, their readoption would help to maintain employment in the lead hazard abatement industry.

Agricultural Industry Impact

This proposed readoption would have no impact upon the agricultural industry.

Regulatory Flexibility Statement

All owners of buildings subject to the “Lead Hazard Control Assistance Act,” P.L. 2003, c.311, be they “small businesses,” as defined in the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., or otherwise, are subject to the same requirements concerning lead abatement and lead-safe maintenance of dwelling units. All applicants for financial assistance are equally subject to the reporting and recordkeeping requirements inherent in the financial assistance process and to requirements of compliance with the terms of the loan agreement. As with any agreement, loan applicants may require legal and accounting assistance, as well as the assistance of persons performing the actual work.

Smart Growth Impact

This proposed readoption would not affect “smart growth” or implementation of the State Plan.

Smart Growth Development Impact

This proposal is intended to readopt rules concerning financial assistance for remediation of lead hazards in older buildings. It would be most unlikely to have any impact upon housing production within planning areas one and two or within designated centers under the State Development and Redevelopment Plan.

Housing Affordability Impact

This proposal is intended to readopt rules concerning financial assistance for remediation of lead hazards in older buildings. It would be most unlikely to have any impact upon housing production costs or to affect affordability.

Full text of the rules proposed for readoption may be found in the New Jersey Administrative Code at N.J.A.C. 5:48.